

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-3 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Pursuant to a May 15, 2008 Memorandum from John J. Love, Deputy Commissioner for Patent Examination Policy, United States Patent and Trademark Office (memo), the claims 1-3 are non-statutory as the claims are not tied to a statutory class nor transform the underlying subject matter to a different state or thing. Further, the claims may be practiced by hand. The memo is available on the USPTO web site.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, lines 2, 8, "the users" is not clear as to what constitutes the users and if the users from line 8 are the same users from line 2.

Claim 1, lines 6, "in any given add and individual report" is not clear with regards to what this means.

Claim 1, line 10, "vs." is not clear.

Claim 1, lines 11-12, "other valuable cycles, trends and facts" is not clear with regards to its meets and bounds.

Claim 2, line 1, "each user" is not clear in juxtaposition with "a user."

Claim 2, line 3, "preferences, etc." is not clear with regards to its meets and bounds.

Claim 2, line 5, "data, etc." is not clear with regards to its meets and bounds.

Claim 2, line 8, "a user" is not clear in juxtaposition with "each user" and "a user" from line 1.

Claim 2, line 8, "for other purposes" is not clear with regards to its meets and bounds.

Claim 2, line 9, "the consolidation" lacks antecedent basis and is not clear.

Claim 3, lines 1,2, "the ads" lacks antecedent basis and is not clear.

Claim 3, line 2, "a more retail look" is not clear with regards to its meets and bounds.

Claim 3, line 3, "the image" is not clear with regards to "images" from line 2.

Claim 3, line 4, "images, text, logos, etc." is not clear with regards to its meets and bounds.

Claim 3, lines 5-6, "the placement" lacks antecedent basis and is not clear.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Dean et al., US 7,249,059.

Dean discloses a system that allows for instant reporting and tracking of advertising information in a standard formatted database. Dean does not disclose other valuable cycles, demographic data, etc., and logos, etc.. However, these features have been common knowledge in the advertising art. To have provided such for Dean would have been obvious to one of ordinary skill in the art. It is noted that Applicant's claim language is replete with intended use, e.g. "that allows," in juxtaposition with positively recited claim language, e.g. "A system."

6. Further pertinent references of interest are noted on the attached PTO-892.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 571-272-6789. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on 571-272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew Joseph Rudy/
Primary Examiner, Art Unit 3687